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NORRIS, McLAUGHLIN & MARCUS
220 East 42nd Street
New York, NY 10017
facsimile (212) 808-0844
telephone (212) 808-0700

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTENTION	David Trong N'Guyen
ART UNIT	1632
FAX NUMBER	703 872 9307
TOTAL PAGES	20
(Plus Fax Cover)	

SERIAL NO.	09/869,508
APPLICANT	WOLFF et al.,
FILED	June 5, 2002
FOR	GENE TRANSFER VECTOR FOR THE DIAGNOSIS AND THERAPY OF MALIGN TUMORS

ATTENTION: ORIGINALS ONLY - PLEASE EXPEDITE

30 DECEMBER 2003

Attached please find:

- Response and Amendment -- 6 sheets
- Drawings -- 4 sheets
- Sequence Listing/Amend 4 sheets
- Petition 3 Month Extension 2 sheets [duplicate]
- Fee transmittal 2 sheets [duplicate]
- Request for RCE

Respectfully submitted,


Theodore Gottlieb, PhD

Registration Number 42,597

PTO/SB/30 (08-03)

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REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	09/869,508
Filing Date	5 June 2002
First Named Inventor	WOLFF et al
Art Unit	1632
Examiner Name	Dave Trong N"Guyen
Attorney Docket Number	101195

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

- Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such
 - ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
 - ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
 - ☐ Other _____
 - ☒ Enclosed
 - ☒ Amendment/Reply
 - ☐ Affidavit(s)/Declaration(s)
 - ☐ Information Disclosure Statement (IDS)
 - ☒ Other _____
- Miscellaneous**
 - ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(f) required)
 - ☐ Other _____
- Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
 - ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 14-1263
 - ☒ RCE fee required under 37 CFR 1.17(e)
 - ☒ Extension of time fee (37 CFR 1.136 and 1.17)
 - ☐ Other _____
 - ☐ Check in the amount of \$ _____ enclosed
 - ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print / Type)	Theodore Gottlieb, PhD	Registration No. (Attorney / Agent)	42, 597
Signature		Date	30 December 2003

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print / Type)	Theodore Gottlieb, PhD	Date	30 December 2003
Signature			

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P. . Box 1450, Alexandria, VA 22313-1450.

Atty's Docket: 101195-54

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Hon. Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

30 December 2003

PRELIMINARY AMENDMENT

Sir:

Prior to examining the application on the merits, please enter the amendments
filed herewith, and consider the remarks.

Atty's Docket: 101195-54

CONDITIONAL PETITION FOR EXTENSION OF TIME

If any extension of time for this response is required, Applicants request that this be considered a petition therefore. Please charge the required fee to Deposit Account No. 14-1263.

ADDITIONAL FEES

Please charge any further insufficiency of fees, or credit any excess to Deposit Account No. 14-1263.

REMARKS

Favorable consideration of the amended and new claims are requested.

Claims 1-3, 6-10 and 16-17 have been amended in accordance with Examiner's suggestions.

New claims 18-21 are presented.

All claims require that the relevant expression vector comprise the YB-1 promotor segment specified. A sequence listing is filed herewith, as well as an amendment directing its addition to the specification.

It is believed that the claims are now in condition for allowance and it is requested that allowance be granted. The issues raised in the previous office action are believed to be satisfactorily addressed below.

Formal Issues Raised in Last Office Action

1. Each claim now begins either with "a" or "the."
2. New drawings have been submitted herewith.